



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

April 7, 2023

**BY ECF AND E-MAIL**

The Honorable Sarah Netburn  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Jonathan Ghertler*, 23 Cr. 100 (ER)**

Dear Judge Netburn:

On March 24, 2023, the Court requested that the Government investigate defense counsel's assertions that Essex County Correctional Facility ("Essex") does not have a law library and is not equipped to allow the defendant in this proceeding to receive and review discovery. The Government writes to report what it has learned from discussions with a representative of Essex.

With respect to the law library:

- Essex has a law library that consists of three computers for approximately 64 inmates. The computers have access to LexisNexis, through which inmates can conduct legal research. The computers are accessible on a first-come, first-serve basis. There can be a wait to use the computers.
- Inmates can use the law library during recreational hours. On a normal basis, that means that the law library is open to inmates seven days a week, from approximately 7:00 a.m. to 10:00 a.m., 11:00 a.m. to 12:30 p.m., 3:00 p.m. to 6:00 p.m., and 7:00 p.m. to 8:30 p.m.
- The computers in the law library are not connected to the Internet and can only be used for legal research and/or case-related work. Every three months, the version of LexisNexis available to the inmates is refreshed to ensure it is up to date with the latest case law.
- Each inmate can log into the computers in the law library using his name and inmate ID number; all notes and documents can then be saved on a network system that is accessible to the inmate (but not other inmates).

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- Each inmate is given paper and pencils to write notes.
- Each inmate is additionally given a tablet computer. The tablet computers have LexisNexis, allowing inmates to conduct legal research even if the three computers in the law library are in use. The tablet computers have access to Wi-Fi, meaning that the version of LexisNexis available on the tablets are constantly refreshed with the latest case law (unlike the computers in the law library). On a normal basis, inmates have access to their tablet computers from approximately 7:00 a.m. to 9:00 p.m.

With respect to discovery generally:

- Inmates can only receive discovery via thumb drive. The thumb drives work in the law library computers, but not the tablet computers.
- Officers in the mailroom screen all thumb drives to make sure they only contain legal and/or case-related materials before they are distributed. It can take up to a week for officers to review thumb drives and distribute them to inmates

The Government remains available to address any additional questions or concerns the Court may have.

Respectfully submitted,

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